

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARK BEERNTSEN and BEERNTSEN CANDIES, INC.,

Plaintiffs,

v.

Case No. 11-C-151

BEERNTSEN'S CONFECTIONARY, INC. and
ACUITY, A MUTUAL INSURANCE COMPANY,

Defendants.

ORDER DIRECTING ENTRY OF FINAL JUDGMENT

Following the Court's decision granting Defendant ACUITY's motion for summary judgment on the issue its duty to defend or indemnify its insured under its policy of insurance, ACUITY moved for entry of a final judgment pursuant to Fed. R. Civ. P. 58(a) and 54(b). I directed the other parties to file their opposition, if any, by January 10, 2012. No party has done so. For the reasons set forth in ACUITY's brief, I conclude that this is the type of case in which a partial judgment would serve a significant purpose and would expedite resolution of a discrete legal issue while allowing the remainder of the case to proceed at this level. I further conclude that there is no just reason for delay.

Accordingly, ACUITY's motion is granted and the Clerk is directed to enter judgment pursuant to Rule 54(b) in favor of ACUITY declaring that it has no duty to defend or indemnify its insured in this lawsuit and that any claims against ACUITY are therefore dismissed.

SO ORDERED this 25th day of January, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge